

Pitts, Potter, Raines, Searborough, Sims, Throckmorton, Walker, Wallace and Whaley—22.

NAYS—none.

On motion of Mr. Sims, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, December 30th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Whaley presented the petition of sundry citizens of Robertson county, relative to the time of holding the District courts of said county. Referred to the committee on the Judiciary.

Mr. Erath presented the petition of sundry citizens of Lampasas county, relative to spoliation by Indians. Referred to the committee on Indian Affairs.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill, supplementary to an act entitled an act to ascertain what land certificates have been illegally issued by the county court of counties in Peter's colony &c., and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a bill, to validate the acknowledgment and registration of deeds, and other instruments of writing heretofore recorded, and direct me to return the same to the Senate with an amendment, and recommend the adoption of the amendment and the passage of the bill.

Amendment to come in the end of the last section :

This act shall not be so construed as to effect or bind in any manner any person or party with constructive notice of the existence of any deed or other instrument of writing, as a recorded deed or instrument, except in the future and after the taking effect of this act, unless such person or party would have been so effected or bound with such notice, had this act never been passed.

The committee on the Judiciary have considered a House bill, amenatory of and supplementary to an act to incorporate the city of New Braunfels, passed May 11th, 1846, and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House bill, to re-

lease Jackson L. Leonard, from the disabilities of minority and permit him to practice law, and direct me to return the same to the Senate and recommend that it do not pass. The committee are not advised of any special causes demanding the proposed legislation, and without some good cause shown, the committee think such legislation unwise and improper.

The Judiciary committee have considered a House bill, to incorporate the Jefferson Insurance Company, and direct me to return the same to the Senate with amendments, and recommend the adoption of the amendments and the passage of the bill.

AMENDMENTS.

In section 1, lines 10 and 11, strike out the words "*one hundred*" and insert "*in value twenty-five*" and in the 11th line of same section, after the word "*dollars*" insert "*at any one time.*"

Insert the following as section 6 :

SEC. 6. The President and Directors of the company, annually or semi-annually divide to the stockholders thereof, so much of the profits of the business of the company as in their discretion, they shall deem safe and proper, which dividend when declared shall in the discretion of the President and Directors be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled, but no dividend, of any of the profits of the company shall be made at any time, unless the capital paid in remain unimpaired.

Insert the following as section 7 :

SEC. 7. So soon as the President and Directors of the company shall establish by proof to the satisfaction of the County court of Cass county, that ten per cent on one hundred thousand dollars of the capital stock of this corporation has been paid in by the stockholders to the Secretary of this company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same ; and also shall establish to the satisfaction of said county court that the direction of said corporation has been organized in conformity with the provisions of this act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. And any increase in the capital stock of said company, beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting ; and the subscription to

such increased stock shall be secured as in this section before provided ; but the company shall not be allowed to do business on such increased capital stock until the President and Directors shall have made proof to the satisfaction of said county court of Cass county, that ten per cent on such increased stock has been paid to the Secretary of the company, and that the residue of the subscriptions to such increased stock have been secured to be paid in the manner as in this section provided, in relation to the first one hundred thousand dollars of stock subscriptions, and said county court shall have given a certificate thereof to said President and Directors.

4. Make section 6, of the bill sec. 8, sec. 7, sec. 9, sec. 8, sec. 10 and sec. 9, sec. 11.

5. At the end of sec. 9, as remembered, add the following :

In case the company shall fail, refuse, or be unable to pay any judgment which may be recorded against the same, the person or persons, or corporation interested in such judgment, shall have a right of action against each stockholder thereof, and his her or their sureties on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied. And the officers of the company shall during the month of January of each year, cause a full and accurate statement of the affairs of the company to be made out and published at least one week in some newspaper published in said town of Jefferson which statement shall be signed and sworn to by the President of the company.

6. In section 2, lines 7 and 8 strike out the words "*at the discretion of*" and insert "*by.*"

In the 8th line of same section after "*corporation*" insert "*whenever a majority of the stockholders shall by vote so direct.*"

The Judiciary committee have considered the application of J. H. Anderson and M. V. Lout, who ask to be refunded the amount they expended in attempting to capture a fugitive from justice under a commission from the Governor of the State for that purpose. The committee find that in December, 1858, the Governor of the State made a requisition on the Governors of Tennessee, Arkansas, Mississippi, Louisiana and Kentucky, for the delivery of William E. Cox, a refugee from justice from Panola county, and commissioned such parties as agents to bring back said fugitive. That said parties acting under said commission spent over six weeks time and \$125, in money in attempting to capture and bring back said fugitive, but did not succeed in capturing him. Art. 887 of the Code of Criminal Procedure, provides that "whenever the Governor may think proper to de-

mand a person who has committed a crime in the State, and has fled to another State or Territory, he may commission any suitable person to take such requisition &c., and that reasonable compensation for his services shall be paid to the person so commissioned out of the Treasury of the State. The service appears to have been rendered in this case in accordance with the provisions of the law as cited. The parties only ask to be paid the amount which they actually expended, and a majority of the committee think they are entitled to the relief sought. I am therefore directed to return the claim and accompanying papers to the Senate, with the recommendation that the same be referred to the committee on Finance, with the request that provision be made in the general appropriation for the payment of said sum of \$125, to said parties.

Mr. Walker, chairman of the committee on Public Lands, made the following reports :

The committee on Public Lands, have had under consideration the Senate's bill, validating certain surveys in Fisher's and Miller's and Peter's colonies, together with a substitute from the the House for the same. The committee have instructed me to return the bills to the Senate, and to recommend the adoption of substitute and the passage of the same.

The committee on Public Lands have considered a bill, supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 11th, 1858. The committee have instructed me to return the bill to the Senate and recommend its passage.

The Public Land committee have considered a bill, to amend the 23rd section of the General Land Law, passed 14th December, 1837. I am instructed by the committee to return said bill to the Senate, and to recommend its passage.

The committee on Public Lands have considered a bill, for the relief of certain colonists or (their assigns) of Peter's Colony. The committee have instructed me to return the same to the Senate, and to recommend its passage.

Mr. Stockdale, from the committee on the Judiciary, made the following report :

The committee on the judiciary, to which was referred the bill, concerning property conveyed to and held in trust by the Bishop of the Roman Catholic Church in Texas for charitable uses, instruct me to report that they have duly considered said bill, and that with the amendments herewith submitted, they see no objection to the bill. They therefore recommend the adoption of the amendments and passage of the bill.

AMENDMENT.

Add at the end of the 2nd section the following :

Provided, that the Bishop or chief Pastor for the time being, shall have the full power at all times of alienating any and all property which may be held by him for the uses aforesaid at will; and further provided that, the transmission of such property, from Bishop to succeeding Bishop, without deed or will as provided in this act, shall continue only while this act remains in force,

and this act may be repealed at the discretion of the Legislature.

Mr. Lott, chairman of the committee on the Penitentiary, to whom was referred "a joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary," returned the joint resolution to the Senate, and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill, for the relief of William Phillips, reported that the committee had examined the same, and find that a conditional certificate issued to the party, by the Board of Land Commissioners of Harris county, and that he complied with the conditions required, and is therefore entitled to the relief sought they therefore recommend the passage of the bill.

Mr. Stockdale, from the committee on Internal Improvements, to which was referred a bill to incorporate the Eastern Texas Railroad Company, reported the same to the Senate with sundry amendments, and recommended their adoption and the passage of the bill.

Mr. Throckmorton introduced a bill, to require the County courts of the counties of this State, to furnish county Surveyors with offices and books of record. Read 1st and 2nd times and referred to committee on Public Lands.

Mr. Herbert introduced a bill for the relief of Nancy Robinson. Read 1st and 2nd times and referred to the committee on Private Land Claims ; also a bill for the relief of Caleb C. Dibble, which was read 1st and 2nd times and referred to the same committee.

Mr. Lott introduced a bill to donate to Joel Williams, a certificate for 320 acres of land. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill, supplementary to an act to provide for the registry of deeds. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Duggan introduced a bill to incorporate the Masonic Fe-

male Institute at Prairie Lea. Read 1st and 2nd times and referred to the committee on Education.

Mr. Herbert introduced a bill to amend the Columbus, San Antonio and Rio Grande Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

ORDERS OF THE DAY.

The report of the committee on Private Land Claims, on a bill for the relief of the heirs of Charles Inloes, offering amendments and recommending the passage of the bill was read ; amendment adopted and bill ordered to be engrossed.

A bill for the relief of J. C. P. Kennymore. Passed to a 3d reading

A bill amendatory of an act to regulate proceeding, in cases of forcible entry and detainer, approved 15th March, 1848, ordered to be engrossed.

On motion of Mr. Potter, the rule was suspended, bill read 3rd time and passed.

The report of the Judiciary committee, on a bill to amend art. 41.1 of Oldham & White's Digest, regulating proceedings in the District Court, recommending its rejection, was read and adopted.

The report of the committee on the Judiciary, on the petition of A. Baccus Bacon, was read and adopted.

The report of the committee on Private Land Claims, on the memorial of John A. Moncroft recommending its rejection, was read and adopted.

On motion of Mr. Throckmorton, the report of the committee on Public Lands, on a bill supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858, recommending its passage, was read and bill ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Erath, Fall, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Scarborough, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—20.

NAYS—Messrs. Duggan, Grimes, Guinn and Rains—4.

On motion of Mr. Walker, the report of the committee on Public Lands, on a bill confirming certain patents, and to validate certain surveys in the Mississippi and Pacific Railroad Reservation, was taken up and bill passed to a 3rd reading.

On motion of Mr. Walker, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Guinn, the report of the committee on Private Land Claims, on a bill for the relief of William Phelps, was taken up, bill passed to a 3rd reading.

On motion of Mr. Guinn, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Parsons, the report of the committee on Internal Improvements, on a bill to incorporate the Eastern Texas Railroad Company, was taken up; amendments adopted, and bill passed to a 3rd reading; rule suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Dickinson, Duggan, Erath, Fall, Grimes, Guinn, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Rains, Scarborough, Stockdale, Walker, Wallace and Whaley—19.

NAYS—Messrs. Chambers, Harman, Hart, Sims and Throckmorton—5.

On motion of Mr. Potter, the report of the Judiciary committee, on a bill to incorporate the Jefferson Insurance Company was taken up; amendments adopted, and bill passed to a 3rd reading.

On motion of Mr. Chambers, the rule was suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Scarborough, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—23.

NAYS—Mr. Rains—1.

A message was received from the House, that the House had passed a bill to regulate and define the time of holding the District Court in the several counties of the eighth judicial district, which was read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled:

A bill for the protection of the frontier.

A bill to create the 20th Judicial District, and to define the time of holding the courts therein.

A "joint resolution requesting our Senators and Representatives in Congress, to obtain the removal of the Port of Entry for the district of Brazos de St. Iago, from Point Isabel to Brownsville and to obtain an appropriation for building a Custom House."

A bill to change the time of holding the District courts in the sixth Judicial District.

A bill making an appropriation for furnishing the Governor's Mansion.

A joint Resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled lands.

A bill for the relief of Hannah C. Buckner.

A bill to incorporate the Texas Masonic Institute.

A bill for the relief of the heirs of A. Spain Summerlin, deceased.

A bill for the relief of the heirs of Joseph W. Bass, deceased.

A bill to amend the 4th section of an act allowing discounts and set offs, passed 5th, of February 1840.

A bill to incorporate the Houston Hook & Ladder Co., No. 1 and Liberty Fire Co., No. 2. of the city of Houston.

A bill for the relief of Alexander Fuggerson.

A bill for the relief of A. H. Booth.

A bill to repeal "an act creating a system of Bankruptcy, and regulating the collection of foreign debts."

A bill for the relief of the heirs of Matt Finch, deceased.

On motion of Mr. Hyde, the Senate adjourned until 10 o'clock A. M., to-morrow.

SATURDAY, December 31st, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Pitts presented the petition of Sol Adams for land, which was referred to the committee on Private Land Claims.

Mr. Stockdale, from the committee on Internal Improvements, to which was referred a bill to incorporate the Houston, Trinity and Tyler Railroad Company, reported the same back and recommended its passage.

Mr. Throckmorton, from the committee on Private Land Claims made the following report :

The committee on Private Land Claims, to whom was referred the bill for the relief of E. G. Spencer and A. L. Cantwell have considered the same. The committee find that certificates for 640 acres each were issued to the parties by the county court of Cooke county. That the same was presented to the board of commissioners for Peter's colony, and were rejected by them, but both claims were recommended for 320 acres each. Your committee are satisfied from the proof that the parties are entitled to 320 acres each, and they therefore report the bill back and recommend its passage.